

*The District of Columbia Sentencing Commission*

**PRACTICE MANUAL**

**THE SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA  
VOLUNTARY SENTENCING GUIDELINES**

**for**

**PLEAS AND VERDICTS ENTERED  
ON AND AFTER JUNE 14, 2004**

June 2004

## Sentencing Guidelines at a Glance

1. To determine the Offense Severity Group, find the *offense of conviction* on the Chart of Felony Offenses (Appendix C). Offenses are listed in alphabetical order by common name. Go to the fourth column which will give you the Offense Severity Group for that offense. You can also use the Offense Ranking Chart (Appendix D), which groups offenses by severity level. *See* § 2.1.
2. Calculate the offender's criminal history score, using the formulas in § 2.2.
3. Using the Drug Grid (Appendix B) for drug offenses and the Master Grid (Appendix A) for everything else, find the row for the Offense Severity Group on the vertical axis and the column for the criminal history score on the horizontal axis. The box at the intersection of the Offense Severity Group and the criminal history score displays the sentencing options for this conviction. *See* § 8.1.
4. Every box contains a prison sentence range. White boxes indicate that a prison sentence is the only option. Dark gray boxes indicate that either prison or a short split sentence (ESS all but six months or less, but not all of it) may be imposed. Light gray boxes indicate that prison, a short split sentence or straight probation (ESS all) may be imposed.
  - a. If the judge wants to impose a sentence of probation (light gray boxes only), the judge should impose a term of incarceration in the appropriate range and the period of supervised release for that offense, suspend execution of all of it (ESS all), and impose any amount of probation up to the five-year maximum with the same terms and conditions that are currently available. *See* § 3.4.
  - b. If the judge wants to impose a short split sentence (the light gray or dark gray boxes), the judge should impose a term of incarceration in the appropriate range plus the period of supervised release for that offense, suspend execution of all but six months or less of the prison term, but not all of it (ESS all but . . .), suspend execution of the period of supervised release, and impose any amount of probation up to the five-year maximum with the same terms and conditions that are currently available.. *See* § 3.5 and Appendix G.
  - c. If the judge wants to impose a prison sentence (all boxes), the prison sentence must be within the range set forth in the box, unless one of the departure principles applies. For example, in Box 2B of the Drug Grid, a prison sentence should be no lower than 16 months nor higher than 36 months. *See* § 3.6, § 7.7. A long split, where both the time imposed and the time to be served initially ( e.g., in Box 2B of the Drug Grid, 36 months ESS all but 16 months) are both within the prison range, is considered a prison only sentence.
5. Several factors may alter the options or take the conviction out of the box entirely:
  - a. A sentence cannot be lower than the mandatory minimum. *See* § 3.7.
  - b. Aggravating and mitigating circumstances may be used in unusual cases if the court determines there is a substantial and compelling reason to depart from the grid range. *See* § 5.2.
  - c. If enhancement papers have been filed and/or statutory enhancements proven, the higher number in the prison range is raised by the statutory multiplier or amount. *See* Chapter 4.
  - d. Rule 11(e)(1)(C) pleas control the sentence regardless of the otherwise applicable guideline range. *See* § 5.1.
6. If there are multiple convictions sentenced on one day:
  - a. Calculate the sentence for each conviction; and
  - b. Apply the concurrent/consecutive rules. *See* Chapter 6.

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